

**BEFORE THE BOARD OF DENTAL EXAMINERS  
OF THE STATE OF IOWA**

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**IN THE MATTER OF:** )

**ROBERT BRUCE COCHRANE, D.D.S.** )

**1611 1<sup>st</sup> Avenue North** )

**Fort Dodge, IA 50501** )

**NOTICE OF HEARING**

**License #6251** )

**Respondent** )

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You are hereby notified that on March 13, 2003, the Board found probable cause to file a Statement of Charges against you. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 153, and 272C (2001), and 650 Iowa Administrative Code Chapter 51. A copy of the Statement of Charges is attached, and sets forth the particular statutes and rules which you are alleged to have violated, and further provides a short and plain statement of the matters asserted.

**IT IS HEREBY ORDERED** that a disciplinary contested case hearing be held upon the Statement of Charges on April 17, 2003, before the full Board or a panel of the Board. The hearing shall begin at 8:30 a.m. and shall be located in the 1<sup>st</sup> Floor Conference Room, Iowa Board of Dental Examiners at 400 SW 8<sup>th</sup> Street, Ste D, Des Moines, Iowa. The Board shall serve as presiding officer, but the Board may request an

Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

Within twenty (20) days of the date you are served with the Statement of Charges and Notice of Hearing, you are required by 650 Iowa Administrative Code 51.12(2) to file an Answer to the Charges. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing.

At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the Charges against you. The procedural rules governing the conduct of the hearing are found at 650 Iowa Administrative Code Chapter 51.

The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:


Theresa O'Connell Weeg  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, IA 50319  
Phone (515) 281-6858

If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 650 Iowa Administrative Code 51.22.

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 650 Iowa Administrative Code

51.19. If you are interested in pursuing settlement of this matter, please contact Constance L. Price, Executive Director, at 515-281-5157.

Dated this 13<sup>th</sup> day of March, 2003.

  
LEROY V. STROHMAN, D.D.S.  
Chairperson  
Iowa Board of Dental Examiners  
400 SW 8<sup>th</sup> Street, Ste. D  
Des Moines, IA 50309

cc: Theresa O'Connell Weeg  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, IA 50319

Monty L. Fisher  
Attorney for Respondent  
200 Snell Building  
P. O. Box 1560  
Fort Dodge, IA 50501

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**IN THE MATTER OF:** )

**ROBERT BRUCE COCHRANE, D.D.S.** )

**1611 1<sup>st</sup> Ave North** )

**Fort Dodge, IA 50501** )

**STATEMENT OF CHARGES**

**License# 6251** )

**Respondent** )

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1. Respondent was issued license number 6251 to practice dentistry in Iowa on July 1<sup>st</sup>, 1977.
2. Respondent's Iowa dental license is current and will expire on June 30, 2004.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

**COUNT I**

The Respondent is charged under Iowa Code Section 153.34(15) (2001) with the inability to practice dentistry with reasonable skill and safety by reason of habitual or excessive use of drugs, narcotics, chemicals, or other types of materials.

**COUNT II**

The Respondent is charged under Iowa Code Section 153.34(4) (2001) with willfully or repeatedly violating a Board rule by failing to maintain records of

controlled substance prescriptions pursuant to 650 Iowa Administrative Code 16.3(2) and 16.2(5).

### **CIRCUMSTANCES**

1. The Board received information that Respondent on at least two (2) occasions issued prescriptions to a patient prior to a surgical procedure. These prescriptions included a prescription for the controlled substance drug Lorazepam. The patient was instructed to bring the Lorazepam to the Respondent's office on the day of surgery for Respondent to dispense. Respondent on at least two (2) separate occasions only partially dispensed the Lorazepam back to the patient, and is unable to account for the Lorazepam that was not dispensed.
2. According to Respondent, it is his practice to routinely dispose of any remaining drugs not dispensed during surgery by throwing them away in the trash. Respondent stated that he does not maintain any logs or records that account for the drugs that were not dispensed or that were disposed of.
3. Respondent's surgical assistant stated that she is not aware of how drugs that are not dispensed to the patient are disposed of. She stated that Respondent personally takes care of disposing of the drugs himself.
4. 650 Iowa Administrative Code 16.3(2) requires that when controlled substances are administered or dispensed, records that are readily retrievable and separate and apart from the patient records must be maintained showing the date that drug was dispensed, name and address

of the person to whom the drug was administered or dispensed, and the name, quantity, and strength of the drug administered or dispensed. Respondent does not maintain such records.

5. 650 Iowa Administrative Code 16.2(5) requires that the prescribing, administering, and dispensing of prescription drugs shall be done in accordance with all applicable state and federal laws.
6. 657 Iowa Administrative Code 10.18 requires persons legally authorized to possess controlled substances in the course of their professional practice or the conduct of their business to dispose of such drugs pursuant to specific procedures and requirements and that disposal records shall be maintained in the files of the registrant. Respondent does not dispose of such drugs in accordance with these requirements, and does not maintain disposal records.
7. 657 Iowa Administrative Code 10.18(2) states that individuals involved in the destruction or other disposition of controlled substances shall not have been subject to any criminal, civil, or administrative action relating to violations of controlled substance laws, rules, or regulations within the past five years.
8. Respondent has been subject to administrative action for violations of controlled substance laws, rules, or regulations within the past five years. Respondent's license to practice dentistry was on probationary status for such violations through July 20, 2001.

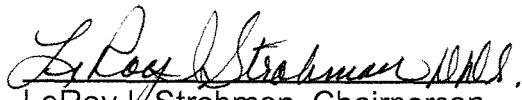
9. On December 28<sup>th</sup>, 1995, the Iowa Board of Dental Examiners found probable cause to file a Statement of Charges on Respondent for:
  - a. The inability to practice dentistry with reasonable skill and safety by reason of his habitual use of controlled drugs.
  - b. With obtaining or attempting to obtain a prescription drug or procure or attempting to procure the administration of a prescription drug by fraud, deceit, and misrepresentation and concealing a material fact.
  - c. With willfully or repeatedly violating a Board rule when he indiscriminately or promiscuously prescribed or dispensed any drug for other than lawful purposes.
  - d. With failing to keep records of disbursements of drugs.
  - e. With willfully making a false statement in any prescription, report, or record.
  - f. With making false prescriptions.
  - g. With willfully or repeatedly violating a Board rule when he did not record each occasion when medication was prescribed, administered, or dispensed in the patient's record.
10. The circumstances of that 1995 case were:
  - a. Respondent admitted to diverting controlled drugs from his dental practice.
  - b. Respondent primarily diverted diazepam and Lorazepam, which are Schedule IV controlled drugs.

- c. Respondent admitted to progressing into daily use of controlled drugs.
  - d. The Respondent diverted these controlled drugs in the following manner:
    - 1. Over prescribing drugs for patients during surgery and keeping some of the drugs for himself.
    - 2. Taking drugs from another practitioner's stock for his own personal use and falsifying the drug dispensing log.
    - 3. Writing prescriptions for family members for his own personal use.
  - e. There was also evidence of substance abuse, including physical symptoms and mistakes when treating patients.
11. The Board and Respondent entered into a Stipulation and Consent Order on February 15, 1996, to settle the pending Statement of Charges. In that settlement agreement, Respondent was required to comply with any recommendations of the substance abuse treatment program he attended. Further, certain restrictions were placed on Respondent's DEA and CSA registrations, and Respondent's dental license was placed on indefinite probation, subject to a number of standard terms for monitoring a substance abuse condition.
12. On July 20, 2001, the Board released Respondent from probation.



13. Respondent is fully aware of the rules and regulations surrounding record keeping requirements in regards to controlled substances as he has previously been disciplined for not following them.
14. On December 3<sup>rd</sup>, 2002, Respondent was asked by the Board Investigator to submit a bodily fluid sample for chemical testing and Respondent refused.
15. Respondent later admitted to the Board investigator that he was using pain medications (Ultram) regularly that were not legally prescribed to him and stated that he knew he was doing something wrong when he ordered them.
16. Respondent also stated that he was using hydrocodone again, though not regularly, and admitted to having a "problem".
17. The Board has since received additional information indicating that Respondent is opiate and benzodiazepine dependent.

On this 13th day of March, 2003, the Iowa Board of Dental Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
LeRoy Strohmman, Chairperson  
Iowa Board of Dental Examiners  
400 SW 8<sup>th</sup> Street, Ste. D  
Des Moines, IA 50309

cc: Theresa O'Connell Weeg  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, IA 50319

Monty L. Fisher  
Attorney for Respondent  
200 Snell Building  
P. O. Box 1560  
Fort Dodge, IA 50501